
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application No.: 10/759,989

Filed: January 15, 2004

Title: UNIVERSAL CLAMPING MECHANISM

Attorney Docket No.:

NSC1P193D1/P04811D1

Examiner: ARBES, Carl J.

Group: 3729

Confirmation No.: 8314

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Signed: _____

Agnes Spence

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated below:

The Examiner rejected claims 11-18 and 22 under 35 U.S.C. 103(a) as being unpatentable over Japan Pat. No. 01-274440, by Keiki. Applicant respectfully disagrees. As stated in Amendment B, Keiki fails to teach or suggest tape that is separate from the lead frame, as per claim 11. In the Office Action of Jan. 3, 2006, the Examiner argued that the base tape of claim 11 was equivalent to element 5 of Keiki. In Amendment B, Applicant pointed out that element 5 of Keiki is in fact a lead frame, which is not equivalent to base tape, especially considering that a separate lead frame is recited in claim 11. Applicant pointed out that element 5 of Keiki would be equivalent to the lead frame in claim 11, but not the lead frame tape, which is a separate element. In the Final Office Action of May 4, 2006, the Examiner then stated that the base tape of claim 11 was equivalent to element 10 of Keiki. Element 10 of Keiki, however, is a vacuum

sucking port, and cannot be considered to be equivalent to base tape. Indeed, Keiki displays this vacuum sucking port as a hole (or holes) in heater block 9a, which clearly is not equivalent to base tape.

The Examiner then argued that the person of ordinary skill in the art would have little or no difficulty construing the element designated in Keiki as 10 as the "tape" of Claim 11. Applicant respectfully disagrees. The Examiner provides no basis for such a conclusory statement. Merely because the Examiner says that a person of ordinary skill in the art would construe the element in a certain way does not make it so. Indeed, the Examiner's entire basis for rejection appears to be rooted in an unofficial "official notice" regarding what one of ordinary skill in the art would find equivalent to tape. As such, Applicant respectfully submits that the rejection is improper as there is no justification given for this taking of Official Notice and it is unclear how one of ordinary skill in the art could find a vacuum sucking port to be equivalent to base tape, as at the elemental level both are completely different types of structures. As such, Applicant respectfully requests that this rejection be withdrawn.

The Examiner also rejected claims 20 and 21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner stated that "removing the lead frame base tape from the first surface of the porous block and processing a second lead frame that is a different size and shape than the lead frame comprising: placing a first surface of a second lead frame base tape on the first surface, etc." is new matter. Applicant respectfully disagrees. The Specification, page 5, lines 19-23 states "[i]n addition, if a different lead frame is used with a different die attach pad, lead, and tie pattern the base block 400 would be able to provide an improved hold with the different lead frame. This allows the base block 400 to serve as a universal base block, which does not need to be changed when the lead frame pattern is changed. A "different lead frame" implies a different size and/or shape than the original lead frame and the fact that the changing of the lead frame is discussed clearly supports the claimed elements. As such, Applicant respectfully requests that this rejection be withdrawn.

Dependent claims 12-18 are also patentably distinct from the cited reasons for at least the same reasons as those recited above for the independent claim, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references.

For example, claim 14 recites that the porous block is heated. However, the metal plate part 10 in Keiki is locally heated instead of the porous block being heated.

Furthermore, claim 18 recites clamping the lead frame to the second side of the porous block. The Examiner failed to point out anything in Keiki that teaches or suggests clamping the lead frame to the porous block. These limitations provide a universal clamping mechanism, which solves the problem that other clamping mechanisms are not universal. Therefore, these limitations are not mere design choices.

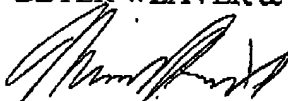
Claim 20 recites further removing the lead frame base tape from the porous block and processing a second lead frame that is a different size and shape than the lead frame. Part of the advantage of the invention is that it provides a universal clamping mechanism that is able to process lead frames of different sizes. The device of Keiki is not able to do this because it provides portions of a porous block and metal plate over the surface.

Claims 21 and 22 further recite that the first surface of the porous block is a continuous surface over the entire area occupied by the lead frame base tape. As shown in Keiki, the porous block does not occupy the entire area of the lead frame, but instead uses a plate 10 for heating the lead frame. Such a plate prevents the device in Keiki from being a universal clamping mechanism.

For at least these reasons, the claims are not anticipated or made obvious by the cited references.

I am the attorney or agent acting under 37 CFR 1.34

Respectfully submitted,
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